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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,953	04/13/2006	Renato Cornacchiari	41862AJIp	5079
7590 Modiano & Associati Via Meravigli 16 Milano, 20123 ITALY	11/30/2007		EXAMINER LLOYD, EMILY M	
			ART UNIT 3736	PAPER NUMBER
			MAIL DATE 11/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/575,953	CORNACCHIARI, RENATO
Examiner	Art Unit	
Emily M. Lloyd	3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 September 2007.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 10-16 and 18 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 10-16 and 18 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed 24 September 2007. The Examiner acknowledges the amendments to claims 10 and 18, the cancellation of claim 17, and the amendments to the specification and the abstract. Currently, claims 10-16 and 18 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 18 as amended depends on cancelled claim 17. For the purpose of examination, the Examiner has interpreted claim 18 as depending on claim 10.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
6. Claims 10-15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent 6454706 (Pullman) in view of United States Patent 5791351 (Curchod).

Regarding claim 10, Pullman discloses a system for performing induced limb movements, particularly for rehabilitating, sports-related and similar purposes, comprising a central processing unit (microprocessor 16 Figure 1), at least one peripheral unit (electronic digitizing tablet 12 Figure 1) that is adapted to be used by a patient in order to reproduce a rehabilitation path (Column 6 lines 50-52 and Column 7 lines 40-44), said peripheral unit being provided with position sensors (Column 8 lines 14-17) that are adapted to transmit position signals to said processing unit (Column 7 lines 26-27) in order to reconstruct the path traced by the patient on said processing unit (Figure 23A), wherein said peripheral unit is a stand alone unit, freely movable with respect to said processing unit (Column 7 lines 45-47) and wherein the peripheral unit is provided with pressure sensing means (Column 8 lines 12-23), which are adapted to send a pressure signal to said processing unit (Column 7 lines 26-27).

Pullman discloses the claimed invention except for the rehabilitation path being displayed by said processing means. Curchod teaches a rehabilitation path displayed by processing means (Column 6 lines 9-12). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use such a rehabilitation

path displayed by processing means as taught by Curchod in the invention of Pullman to provide the predictable result of helping a patient improve the activity being observed (Pullman drawing or handwriting Column 13 lines 65-67; Curchod playing golf Column 6 lines 6-16, playing tennis Column 3 line 62, and dancing Column 3 line 63).

Regarding claim 11, Pullman as modified by Curchod teach the system of claim 10 where the processing unit comprises means that are adapted to process said signals that arrive from said sensors of said peripheral unit and to make a comparison between said path traced by the patient and said predefined path displayed by said processing unit (Curchod Column 6 lines 9-16).

Regarding claims 12-14, Pullman as modified by Curchod teach that the peripheral unit is connected to the processing unit by means of a radio link (Curchod Column 11 line 14), an infrared link (Curchod an optical system, Column 11 line 14, and infrared data transmission is a type of optical data transmission), and a cable (Curchod wires, Column 9 lines 51-53).

Regarding claim 15, Pullman as modified by Curchod teach the system where the peripheral unit is moved by the patient over a flat surface (Pullman electronic tablet 30 is flat Figure 3; Curchod the device is portable and can be used anywhere the golfer desires, Column 12 lines 35-38, and Figure 1 depicts a golfer in a room, Column 3 line 48, and the floor of a room is a flat surface).

Regarding claim 18, Pullman as modified by Curchod teach the system of claim 10 wherein the processing unit comprises means that are adapted to process the pressure signal in order to compare it with a pressure value that is preset in said

processing unit and is associated with a particular program and path that the patient is following (Pullman spiral rating data from microprocessor 16 is the result of this analysis, see also Column 6 lines 39-43).

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pullman as modified by Curchod as applied to claims 10-15 and 18 above, and further in view of United States Patent 5429140 (Burdea et al.).

Regarding claim 16, Pullman as modified by Curchod teach the system according to claim 10. Pullman as modified by Curchod do not explicitly teach that at least one peripheral unit is moved by the patient over a non-flat surface. Burdea et al. teach that the peripheral unit is moved by the patient over a non-flat surface (sensing glove 30 on real object 34, Figure 2, where real object 34 is drawn as a ball in Figure 2 and described as preferably having a spherical shape, Column 4 lines 54-55). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use such a peripheral unit moved by the patient over a non-flat surface as taught by Burdea et al. in the invention of Pullman as modified by Curchod to provide the predictable result of allowing additional activities to be observed and improved on (Burdea et al. holding a ball Figure 2 and Column 4 lines 51-59; also other non-flat objects could be used, including dinnerware and silverware (items necessary in everyday life but difficult to use for people with motor disorders as discussed in Pullman Column 1 lines 54-65)).

Response to Arguments

8. Applicant's arguments with respect to claim 10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emily M. Lloyd whose telephone number is 571-272-2951. The examiner can normally be reached on Monday through Friday 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571-272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Emily M Lloyd
Examiner
Art Unit 3736

/EML/

A handwritten signature in black ink, appearing to read "Max Hindenburg".